

RESOLUTION-POLICY

X	Action Item
	For Information Only

From: Dr. Eric Milou, Rowan University Senate President
To: Dr. Ali Houshmand, Provost
Date: 5/4/10
RE: Senate Resolution **100330-1**

Consensual Relationships between Students and Employees Policy

Consensual relationships are defined as sexual or romantic relationships in which both parties appear to have consented. Relationships of this type between New Jersey State employees are covered by the Uniform Ethics Code of the State of New Jersey. Of special concern are relationships where there is a definite power differential between both parties involved and one of the parties is a student. The power differential between a student and a University faculty or staff member is unique in terms of power differential for two reasons.

- 1) In general, students are in the process of development as educated adults and may not be in the best position to make judgments regarding the impact of a relationship on their academic performance or development.
- 2) There is a unique trust placed on University faculty and staff to behave in ways and provide services that benefit students.

Consenting romantic and sexual relationships between instructor (all who teach at the University- faculty, staff, graduate and undergraduate students) or any faculty or staff in an advising, supervisory or tutorial capacity and student (any person studying with or receiving advising from instructor or advisor or working as a student employee) should be avoided for many reasons, including:

- 1) The relationship may exist only because of the power differential. The respect and trust accorded an instructor by a student along with the power associated with giving grades, thesis advice, evaluations, recommendations for further study and future employment significantly diminish the student's actual freedom of choice regarding a romantic or sexual relationship.
- 2) Sexual harassment charges may result due to a power differential where both parties do not have the same freedom of choice in a relationship. Consent is difficult to prove when there is a significant power differential.
- 3) The circumstances may change, and conduct that may have been previously welcome may become unwelcome. Prior consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

- 4) The relationship can cause problems for both parties and harm the academic and work environment at the University. There is the appearance, and often the reality, of a conflict of interest. In addition, third parties may believe that the employee in authority favors the student because of the relationship, thus creating an atmosphere of suspicion and resentment among others who think the student is obtaining undeserved benefits.

No Rowan employee shall maintain a romantic or sexual relationship with a student over whom that employee exercises any academic, administrative, supervisory, evaluative, counseling or extracurricular authority or influence. Similarly, no Rowan employee shall exercise any academic, administrative, supervisory, evaluative, counseling or extracurricular authority over any student with whom that employee had previously been involved in a romantic or sexual relationship. Should a romantic or sexual relationship develop between a student and an employee, the employee shall report it to the appropriate supervisor. A professor shall report it to a department chair. A teaching assistant shall report it to the professor in charge and a staff member shall report it to his/her immediate supervisor. The supervisor shall make appropriate arrangements to guarantee the objective evaluation of the student's academic performance and to protect the interests of the student and the University. All arrangements should be in compliance with the Uniform Ethics Code of the State of New Jersey.

All Rowan University employees who work directly with students should be aware that there are significant risks associated with a consensual relationship where a power differential exists. Those risks are even more significant when one party is a student. These relationships may be outside of the scope of employment. As a result, protection under state law or legal representation by the office of the Attorney General for the University employee may not apply. Consensual relationships between faculty or staff and students they do not directly teach, advise or supervise are also discouraged. Even if no direct power differential exists at a given time, it is possible that faculty or staff would be in a position to teach, advise and/or evaluate the student in the future.

Acceptance:

_____ I give my approval. I have forwarded this item to _____ for implementation.

_____ No approval is actually needed. I have forwarded this item to the following individual or office for informational purposes only:

ADDITIONAL REVIEW NEEDED:

_____ I am willing to give approval if the following modification(s) are made:

_____ Before I can approve or reject this item, I need clarification on the following:

_____ I have forwarded this item to the following individual or office for further consideration and consultation.

Rejection:

_____ I decline acceptance of this item for the following reason:

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